

ENTERED

September 26, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In the Matter of the Complaint of
Elevating Boats, LLC, Plaintiff,
owner and operator of the vessel
Matt Jeanfreau Elevator.

§
§
§
§
§
§
§
§

Civil Action No. 4:24-cv-02144

**INITIAL ORDER ON COMPLAINT FOR EXONERATION FROM
AND LIMITATION OF LIABILITY**

On June 6, 2024, the Limitation Plaintiff Elevating Boats, LLC (“Elevating Boats”) filed its Verified Complaint and Petition for Exoneration From and/or Limitation of Liability, pursuant to Rule F of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, and 46 U.S.C. § 30501 et seq. Dkt. 1. Elevating Boats seeks exoneration from, limitation of liability, or both, with respect to any claims arising out of the events of July 30, 2023, involving the Liftboat Matt Jeanfreau Elevator, while it was operating between Grand Cheniere, Louisiana, and East Cameron 9 Oil Lease Area in the Gulf of Mexico off the coast of Louisiana. *Id.* On August 20, 2024, Elevating Boats filed an ex parte motion for monition, injunction of claims, ad interim stipulation of value, and tender of costs. Dkt. 5.

Having carefully reviewed Elevating Boats's submission, the Court **ORDERS** as follows:

Security. Pursuant to Rule F(1) of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, the Court ACCEPTS and APPROVES OF, as security, the Ad Interim Stipulation where both Elevating Boats undertakes and is bound to pay into Court, whenever the Court shall so order, the aggregate sum not to exceed \$2,750,000.00. Claimants' rights to move for rejection of this security are preserved. In addition, the security for costs shall be \$250.00 deposited into the Registry of the Court. Accordingly, the Court APPROVES Elevating Boats's deposit of \$250.00 into the Registry of the Court in lieu of a cost bond.

Ad Interim Stipulation. The value of the Liftboat Matt Jeanfreau Elevator and pending freight is stipulated not to exceed TWO MILLION SEVEN HUNDRED FIFTY THOUSAND AND NO/100THS DOLLARS (\$2,750,000.00). If any claimant by motion demands that security be given by Elevating Boats or be increased on the ground that it is less than the value of Elevating Boats's interest in the vessel and pending freight, the Court will cause due appraisal to be made of Elevating Boats's interest in the vessel and pending freight and, if the Court finds that the security is either insufficient or excessive, it shall order its increase or reduction. If the amount of said Ad Interim Stipulation is not contested by any claimant, said Ad

Interim Stipulation will stand as a stipulation for value, and an appraisal by a commissioner will not be required.

Injunction. Pursuant to Rule F(3) of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, the filing, commencement, and/or further prosecution of any and all suits, actions, or legal proceedings of any nature, wherever filed and by whosoever made, except in the present limitation proceedings in respect to any claim or demand against Elevating Boats or the Liftboat Matt Jeanfreau Elevator, or any combination of them, arising from the July 30, 2023, incident involving the Matt Jeanfreau Elevator, is hereby STAYED, RESTRAINED, and ENJOINED, unless and until the hearing and termination of this proceeding.

Monition. Pursuant to Rule F(4) of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, the Clerk of this Court shall issue a monition to all persons asserting claims with respect to which the Complaint seeks limitation, admonishing them to file their respective claims with the Clerk of this Court in writing, under oath, and to serve on, or to mail to, the attorney for Elevating Boats a copy thereof on or before **October 26, 2024** (the “Default Date”) and requiring any person who desires to contest the right to exoneration from or limitation of liability of Elevating Boats to file an answer to the Complaint and to serve on or mail to

the attorneys of record for Elevating Boats a copy thereof on or before the Default Date.

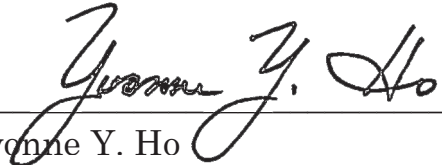
Publication. Elevating Boats, its attorneys, or both SHALL cause notice of the filing of the Complaint to be published in the Houston Chronicle once a week for four successive weeks, as provided by Rule F(4). Elevating Boats shall certify to the Court that such publication has been made not later than the Default Date.

Notice to Claimants. As provided by Rule F(4), not later than the day of the second publication, Elevating Boats and/or its attorneys SHALL mail a copy of (a) the Monition, (b) Rule F, and (c) this Order to every person known to have asserted any claim or filed an action against the Liftboat Matt Jeanfreau Elevator, Elevating Boats, or both arising out of the July 30, 2023, incident.

Claims and Objections. As provided by Rule F(5) of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, persons with (a) claims arising out of the July 30, 2023 incident involving the Liftboat Matt Jeanfreau Elevator or (b) objections to Elevating Boats's right of exoneration from liability or the right to limitation of liability, must file them under oath with the Clerk of this Court and deliver or mail a copy of them to Elevating Boats's attorney Michael W. McMahon, Daigle Fisse

& Kessenich, PLC, P.O. Box 5350, Covington, Louisiana 70434-5350, no later than the Default Date.

Signed on September 26, 2024, at Houston, Texas.



Yvonne Y. Ho
United States Magistrate Judge